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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/809,138

Applicant(s)

GARNETT, PAUL JEFFREY

Examiner

AARON R. EASTMAN

Art Unit

4147

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 7,13,14 and 26-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-12,15-25 and 29-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 3-6, 8, 11, 12, 15-17, 19, 22 and 25 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the opening configured to receive a handle must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Please note that none of the figures show an opening configured to receive a handle as claimed. All of the figures with the exception of figures 4 and 5 show an obstruction (strut, loop or partial loop) that would prevent an opening from receiving a handle as claimed. It is noted in figures 4 and 5 that even though no obstruction is shown that an obstruction is part of the construction as evidenced by page 11, lines 12-15.

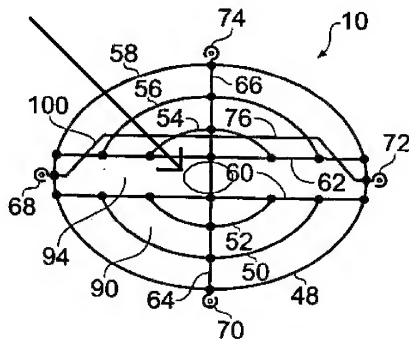


Fig. 3A

Figure 3A of the instant application

For the purposes of examination, only figure 3A of the instant application is considered. The examiner assumes that the portion of the strut circled above is shown in error since omission of this portion will allow similar grills to be stacked upon one another as claimed.

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show loops and/or partial loops (figures 4 and 5) as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

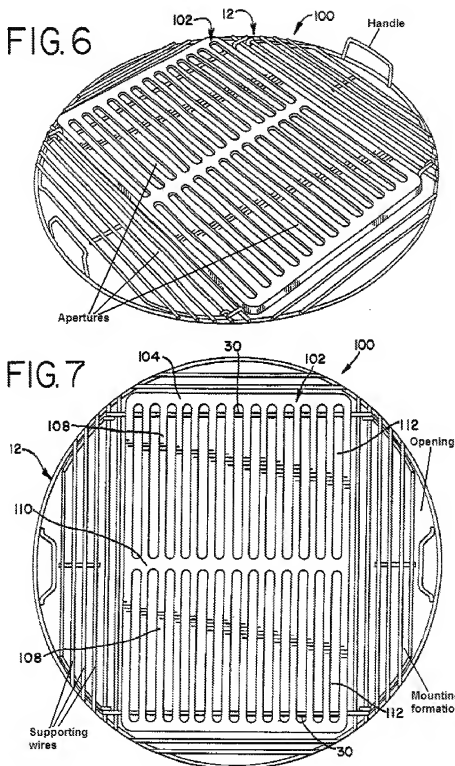
Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 8, 11, 17, 18, 20, 34 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Number 5,490,452 (Schlosser et al. hereinafter).



Figures 6 and 7 of US Patent Number 5,490,452 (Schlosser et al. hereinafter)

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6. In re claim 1 Schlosser et al. discloses

A grill (100) capable of being mounted on a surface of a fan or fan housing, the grill (100) comprising:

a substantially planar portion; and

a handle extending out of the substantially planar portion so as to extend away from the surface of the fan or fan housing when the grill (100) is mounted thereon;

wherein the substantially planar portion of the grill (100) comprises an opening capable of receiving a handle of a substantially similar grill (100) when stacked on top of the substantially similar grill (100) such that the substantially planar portions of the stacked grills (100) are substantially parallel when the grills (100) are stacked;

wherein the opening is substantially coplanar with the substantially planar portion.

7. In re claim 2, Schlosser et al. discloses

the grill of Claim 1, wherein said substantially planar portion comprises a plurality of apertures.

8. In re claim 3, Schlosser et al. discloses

the grill of Claim 2, wherein at least two of said plurality of apertures are arranged in a grid.

9. In re claim 4, Schlosser et al. discloses

the grill of Claim 1, wherein said substantially planar portion comprises at least one shaped wire arranged to form a loop (12) or partial loop.

10. In re claim 8, Schlosser et al. discloses

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the grill of Claim 1, wherein the handle comprises a first piece of wire extending in a loop or partial loop away from said substantially planar portion.

11. In re claim 11, Schlosser et al. discloses

the grill of Claim 1, further comprising one or more mounting formations for mounting the grill on the fan or fan housing.

12. In re claim 17, Schlosser et al. discloses

a grill according to Claim 1, wherein the grill comprises:

a section of wire shaped to form at least one loop (12) or partial loop arranged in a common plane, including an outermost loop (12) or partial loop;

a section of wire shaped to provide support for each loop or partial loop;

a first section of wire shaped to form a handle portion; and

at least one mounting formation.

13. In re claim 18, Schlosser et al. discloses

the grill of Claim 17, wherein the section of wire forming the handle portion extends away from said common plane, and wherein either end of that section wire is attached to said outermost loop (12).

14. In re claim 20, Schlosser et al. discloses

the grill of Claim 17, wherein said handle portion comprises at least one additional section of wire.

15. In re claim 34, Schlosser et al. discloses

the grill of claim 1, wherein the handle comprises a partial loop; and

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wherein a plane of the partial loop of the handle is substantially perpendicular to a plane of the substantially planar portion of the grill.

16. In re claim 35, Schlosser et al. discloses the grill of claim 1, wherein the opening is configured to receive the handles of three or more substantially similar grills when stacked on top of the substantially similar grill such that the substantially planar portions of the stacked grills are substantially parallel when the grills are stacked.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 5, 6, 9, 12, 15, 16, 19, 21, 22-25, and 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlosser et al. in view of US Patent Number 5,822,186 (Bull et al. hereinafter).

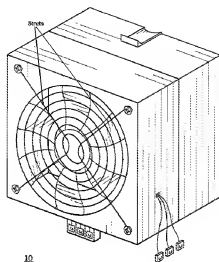


FIG. 1

Figure 1 of US Patent Number 5,822,186 (Bull et al. hereinafter)

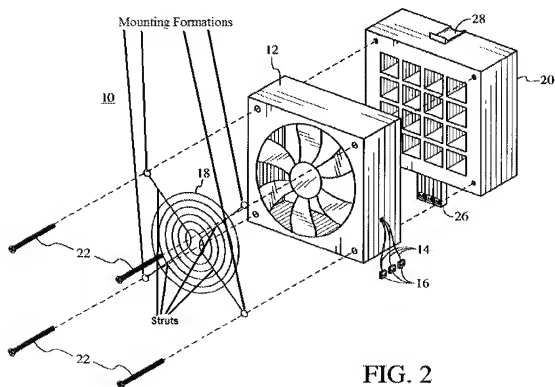


FIG. 2

Figure 2 of Bull et al.

19. In re claim 5, Schlosser et al. discloses all of the limitations except for wherein said substantially planar portion comprises a plurality of said loops or partial loops.

20. Bull et al. teaches a fan grill (18) comprising a substantially planar portion comprising a plurality of said loops or partial loops.

21. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine a substantially planar portion comprising a plurality of said loops or partial loops as taught in Bull et al. with the apparatus disclosed by Schlosser et al. for the purposes of allowing more air to flow through the fan grill.

22. In re claim 6, Schlosser et al. discloses all of the limitations except for the grill of Claim 5, wherein said substantially planar portion comprises at least one strut, each strut attached to at least one of said loops or partial loops in at least one place.

23. Bull et al. teaches wherein said substantially planar portion comprises at least one strut, each strut attached to at least one of said loops or partial loops in at least one place.

24. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine a substantially planar portion comprising at least one strut, each strut attached to at least one of said loops or partial loops in at least one place as taught in Bull et al. with the apparatus disclosed by Schlosser et al. for the purposes of adding structural support to the grill.

25. In re claim 9 the combination as discussed in re claim 5 discloses the claimed invention except for wherein the handle comprises at least one additional piece of wire,

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each additional piece of wire being shaped such that it is substantially parallel to said first piece of wire over the length of that additional piece of wire. It would have been obvious to one having ordinary skill in the art at the time the invention was made to create a handle comprising at least one additional piece of wire, each additional piece of wire being shaped such that it is substantially parallel to said first piece of wire over the length of that additional piece of wire, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper co. v. Bemis Co.*, 193 USPQ 8.

26. In re claim 12, Schlosser et al. discloses all of the limitations except for at least one of the mounting formations comprising shaped wire extending away from said substantially planar portion and arranged to form a loop or partial loop as set forth in the claim.

27. Bull et al. teaches at least one mounting formation (see Fig. 2 of Bull et al.) comprising shaped wire extending away from a substantially planar portion (18) and arranged to form a loop or partial loop (see Fig. 1 and Fig. 2 of Bull et al.).

28. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine at least one mounting formation (see Fig. 2 of Bull et al.) comprising shaped wire extending away from said planar portion and arranged to form a loop or partial loop (see Fig. 1 and Fig. 2 of Bull et al.) as taught in Bull et al. with the apparatus disclosed by Schlosser et al. for the purposes of creating an alternate mounting formation for larger fan openings.

29. In re claim 15, Schlosser et al. discloses all of the limitations except for at least one mounting formation for mounting the grill on the fan or fan housing, and wherein at least one mounting formation and strut are integrally formed from a piece of shaped wire.

30. Bull et al. teaches at least one mounting formation for mounting the grill on a fan or fan housing wherein at least one mounting formation and strut are integrally formed from a piece of shaped wire (see Fig. 1 and Fig. 2 of Bull et al.).

31. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine at least one mounting formation for mounting the grill on a fan or fan housing wherein at least one mounting formation and strut are integrally formed from a piece of shaped wire (see Fig. 1 and Fig. 2 of Bull et al.) as taught in Bull et al. with the apparatus disclosed by Schlosser et al. for the purposes of reducing the number of manufacturing steps and therefore cost.

32. In re claim 16 the combination as discussed in re claim 5 discloses the claimed invention except for wherein the at least one mounting formation and strut and a portion of the handle are integrally formed from a piece of shaped wire. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the at least one mounting formation and strut and a portion of the handle so that they are integrally formed from a piece of shaped wire, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1993).

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33. In re claim 19 the combination as discussed in re claim 5 discloses the claimed invention except for wherein the at least one mounting formation comprises at least two mounting formations formed from shaped wire, the at least two mounting formations and the handle portion being formed from a common section of wire. It would have been obvious to one having ordinary skill in the art at the time the invention was made to create at least one mounting formation comprising at least two mounting formations formed from shaped wire, the at least two mounting formations and the handle portion being formed from a common section of wire, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper co. v. Bemis Co.*, 193 USPQ 8 and it has also been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1993).

34. In re claim 21 the combination as discussed in re claim 9 discloses the claimed invention except for wherein the first section of wire and the additional sections of wire forming the handle portion are joined together with a weld or a brazing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make it so that the first section of wire and the additional sections of wire forming the handle portion are joined together with a weld or a brazing, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1993).

35. In re claim 22, Schlosser et al. discloses all the limitations except wherein the section of wire shaped to provide support and at least one mounting formation are formed from a common section of wire.

36. Bull et al. teaches wherein the section of wire shaped to provide support and at least one mounting formation are formed from a common section of wire (Fig. 2 of Bull et al.).

37. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine a section of wire shaped to provide support and at least one mounting formation formed from a common section of wire as taught in Bull et al. with the apparatus disclosed by Schlosser et al. for the purposes of reducing the number of manufacturing steps and therefore cost.

38. In re claim 23, Schlosser et al. discloses all the limitations except further sections of wire shaped to form further loops or partial loops arranged in said common plane.

39. Bull et al. teaches further sections of wire shaped to form further loops or partial loops arranged in said common plane (Fig. 2 of Bull et al.).

40. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine further sections of wire shaped to form further loops or partial loops arranged in said common plane as taught in Bull et al. with the apparatus disclosed by Schlosser et al. for the purposes of allowing more air to flow through the fan grill.

41. In re claim 24, Schlosser et al. discloses all the limitations except further sections of wire arranged to provide further support for the at least one loop or partial loop.

42. Bull et al. teaches further sections of wire arranged to provide further support for the at least one loop or partial loop (Fig. 2 of Bull et al.).

43. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine further sections of wire arranged to provide further support for the at least one loop or partial loop as taught in Bull et al. with the apparatus disclosed by Schlosser et al. for the purposes of structural rigidity.

44. In re claim 25, Schlosser et al. discloses all the limitations except the limitations of claim 24 on which it depends. The combination as discussed above discloses all of the limitations of claim 25.

45. In re claim 29 the combination as discussed in re claim 9 discloses the claimed invention except for wherein each additional piece of wire is attached to the first piece of wire with at least one weld or brazing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make it so that each additional piece of wire is attached to the first piece of wire with at least one weld or brazing, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

46. In re claim 30 the combination as discussed in re claim 5 discloses the claimed invention except for wherein the at least one mounting formation and a portion of the handle are integrally formed from a single piece of shaped wire. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make it so that the at least one mounting formation and a portion of the handle are

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integrally formed from a single piece of shaped wire, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1993).

47. In re claim 31, the combination as discussed in re claim 30 discloses all of the limitations of claim 31.

48. In re claim 32 the combination as discussed in re claim 5 discloses the claimed invention except for wherein at least one strut and at least a portion of the handle are integrally formed from a single piece of shaped wire. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make it so that at least one strut and at least a portion of the handle are integrally formed from a single piece of shaped wire, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1993).

49. In re claim 33, the combination as discussed in re claim 32 discloses all of the limitations of claim 33.

Conclusion

50. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON R. EASTMAN whose telephone number is (571)270-3132. The examiner can normally be reached on Mon-Fri 9:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Nguyen can be reached on 571-272-4491. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aaron R. Eastman
Examiner
Art Unit 4147

/Ninh H. Nguyen/
Primary Examiner, Art Unit 3745
04/29/08